

**U.S. Department of the Interior  
Bureau of Land Management  
White River Field Office  
220 E Market St  
Meeker, CO 81641**

## **CATEGORICAL EXCLUSION**

NUMBER: DOI-BLM-CO-110-2011-0013-CX

CASEFILE/PROJECT NUMBER: COC4368

PROJECT NAME: Additional Power Pole within Right-of-Way (ROW)

LEGAL DESCRIPTION: Sixth Principal Meridian, Colorado  
T. 2 S., R. 96 W.,  
sec. 13, SW $\frac{1}{4}$ SE $\frac{1}{4}$ .

APPLICANT: White River Electric Association, Inc. (WREA)

DESCRIPTION OF PROPOSED ACTION: XTO Energy (hereafter XTO) needs to install a cathodic protection site (CPS) on their natural gas pipeline authorized in right-of-way COC71456. Electrical power is needed at the site. WREA has an existing 25 foot wide overhead distribution power line authorized in ROW COC4368 which crosses XTO's pipeline. An additional wooden power pole would need to be installed within WREA's power line ROW and XTO's 50 foot wide pipeline ROW to serve XTO's CPS. WREA would install raptor perch deterrents on the pole.

All terms and conditions of the right-of-way grants will be carried forward and remain in full force and effect. CO-110-07-204-EA analyzed XTO's El Diablo pipeline right-of-way.

PLAN CONFORMANCE REVIEW: The proposed action is subject to and has been reviewed for conformance with (43 CFR 1610.5, BLM 1617.3) the following plan:

Name of Plan: White River Record of Decision and Approved Resource Management Plan (ROD/RMP).

Date Approved: July 1, 1997

Decision Number/Page: Pages 2-49 thru 2-52

Decision Language: "To make public lands available for the siting of public and private facilities through the issuance of applicable land use authorizations, in a manner that provides for reasonable protection of other resource values."

**CATEGORICAL EXCLUSION REVIEW:** The proposed action qualifies as a categorical exclusion under 516 DM 11.9, Number (E-13). *“Amendments to existing rights-of-way, such as the upgrading of existing facilities, which entail no additional disturbances outside the right-of-way boundary.”*

The proposed action has been reviewed with the list of extraordinary circumstances described in the table below. This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. None of the following exceptions in 516 DM 2, Appendix 2, apply.

Exception	YES	NO
1. Have significant adverse effects on public health and safety.		X
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands, floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.		X
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.		X
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
7. Have significant impacts on properties listed, or eligible for listing, in the National Register of Historic Places as determined by either the bureau of office.		X
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species.		X
9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		X
10. Have a disproportionately high and adverse effect on low income or minority populations		X
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly affect the physical integrity of such sacred sites.		X
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species.		X

## INTERDISCIPLINARY REVIEW:

The proposed action was presented to, and reviewed by, the White River Field Office interdisciplinary team on October 19, 2010. A list of resource specialists who participated in this review is available upon request from the White River Field Office.

## REMARKS:

*Cultural Resources:* The proposed action is in an area that has been inventoried at the Class III (100% pedestrian) level (Hauck 2001 Compliance Dated 6/11/2001, Ingleman et al. 2007 Compliance Dated 8/29/2007) with no cultural resources identified in the project area. The current project is located in the existing disturbance and no additional impacts to cultural resources will occur. (MRS 11/15/2010)

*Native American Religious Concerns:* No Native American Religious Concerns are known in the area, and none have been noted by Northern Ute tribal authorities. Should recommended inventories or future consultations with Tribal authorities reveal the existence of such sensitive properties, appropriate mitigation and/or protection measures may be undertaken. (MRS 11/15/2010)

*Paleontological Resources:* The proposed project is located in an area generally mapped as the Uinta Formation (Tweto 1979) which the BLM WRFO has classified as a PFYC 5 formation, meaning it is known to produce scientifically noteworthy fossils (Armstrong and Wolny 1989). If the only disturbance to the underlying rock formation is the hole augured for the post, there is a potential, though very small, to impact noteworthy fossil resources. However, monitoring hole auguring is virtually impossible so impacts would likely go undetected. If more excavation is necessary, the impacts would be greater and monitoring would be required to determine the nature and extent of impacts, if any, to fossil resources. (MRS 11/15/2010)

*Threatened and Endangered Wildlife Species:* There are no wildlife-related issues or concerns. Consistent with efforts to recover greater sage-grouse in Piceance Basin, but recognizing that there may be a long interval prior to habitat restoration treatments being applied to this particular area, the proposed action would not be constrained by a timing limitation, but the new power pole should be equipped with raptor perch deterrent devices (in contrast to raptor protection features). (EH 11/15/2010)

*Special Status Plant Species:* No concerns. (JKS 10/21/2010)

## REFERENCES CITED:

Armstrong, Harley J. and David G. Wolny  
1989 Paleontological Resources of Northwest Colorado: A Regional Analysis. Museum of Western Colorado, Grand Junction, Colorado.

Hauck, F. Richard

- 2001 Cultural Resource Evaluation of Proposed Well Locations & Pipeline Corridors in the Magnolia Locality of Rio Blanco County, Colorado. Archeological-Environmental Research Corporation, Bountiful, Utah. (01-38-06)

Ingleman, David A., Heidi Guy Hays and Caryn M. Berg

- 2007 Class III Cultural Resource Inventory of the Proposed Federal 4S-95-1-21DP Pipeline, Rio Blanco County, Colorado. SWCA Environmental Consultants, Broomfield, Colorado. (07-127-12)

Tweto, Ogden

- 1979 Geologic Map of Colorado. United States Geologic Survey, Department of the Interior, Reston, Virginia.

### MITIGATION:

1. The holder is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are uncovered during any project or construction activities, the holder is to immediately stop activities in the immediate area of the find that might further disturb such materials, and immediately contact the authorized officer (AO). Within five working days the AO will inform the holder as to:

- whether the materials appear eligible for the National Register of Historic Places
- the mitigation measures the holder will likely have to undertake before the site can be used (assuming in situ preservation is not necessary)
- a timeframe for the AO to complete an expedited review under 36 CFR 800-11 to confirm, through the State Historic Preservation Officer, that the findings of the AO are correct and that mitigation is appropriate.

If the holder wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the AO will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the holder will be responsible for mitigation cost. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the holder will then be allowed to resume construction.

2. Pursuant to 43 CFR 10.4(g) the holder of this authorization must notify the AO, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.

3. The holder is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for knowingly disturbing paleontological sites or for collecting fossils. If fossil materials are uncovered during any project or construction activities, the holder is to immediately stop activities in the immediate area of the find that might further disturb such materials, and immediately contact the authorized officer (AO). Within five working days the AO will inform the holder as to:

- whether the materials appear to be of noteworthy scientific interest
- the mitigation measures the holder will likely have to undertake before the site can be used (assuming in situ preservation is not feasible)

If the holder wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the AO will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the holder will be responsible for mitigation cost. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the holder will then be allowed to resume construction.

COMPLIANCE PLAN: On-going compliance inspections and monitoring will be conducted by the BLM White River Field Office staff during and after construction. Specific mitigation developed in this document and the terms and conditions of the original grant will be followed. The holder will be notified of compliance related issues.

NAME OF PREPARER: Stacey Burke

NAME OF ENVIRONMENTAL COORDINATOR: Heather Sauls

DECISION AND RATIONALE: I have reviewed this CX and have decided to approve the proposed action.

This action is listed in the Department Manual as an action that may be categorically excluded. I have evaluated the action relative to the 12 criteria listed above and have determined that it does not represent an exception and is, therefore, categorically excluded from further environmental analysis.

SIGNATURE OF AUTHORIZED OFFICIAL:

  
Field Manager

DATE SIGNED: 11/26/2010

ATTACHMENTS: Exhibit A – Map of proposed action

WREA Additional Power Pole within ROW COC4368  
T. 2 S., R. 96 W., sec. 13

EXHIBIT A

